

BX

5165

J724r

1836

JONES

A
A
0
0
0
9
7
9
5
7
4
1



UC SOUTHERN REGIONAL LIBRARY FACILITY

REMARKS ON THE GOVERN-
MENT BILL FOR THE COM-
MUTATION OF TITHE



THE LIBRARY
OF
THE UNIVERSITY
OF CALIFORNIA
LOS ANGELES

Howard

REMARKS

ON

THE GOVERNMENT BILL

FOR THE

COMMUTATION OF TITHE.

BY

THE REV. R. JONES, M.A.

OF GONVILLE AND CAIUS COLL. CAMB.

PROFESSOR OF POLITICAL ECONOMY AND HISTORY AT THE
EAST INDIA COLLEGE, &c. &c.

SECOND EDITION.

LONDON :

B. FELLOWES, LUDGATE STREET.

1836.

Price Sixpence.

LONDON :
R. CLAY, PRINTER, BREAD-STREET HILL,
DOCTORS' COMMONS.

COMMUTATION OF TITHE.

THE difficulties, which have hitherto introduced much heat and perplexity into discussions on this subject, are at the present moment somewhat lessened, by the very general assent of all who take an active part in such discussions to three propositions. First—That a commutation is desirable. Secondly—That the future payments, in lieu of tithe, shall be applied to the same purposes and paid to the same persons as the present tithe. And, thirdly—That the first step in the process shall be to transfer the liability to those future payments, from the tenant to the land-owner.

The being able to take these propositions for granted, besides saving much time and trouble, will bring before us at once the parties whose interests are to be consulted, and, as far as possible, reconciled. Those parties are,—the government, as representing the whole population and all the national interests,—the land-owners,—and the tithe-owners. It will be well to examine the distinct interests and objects of each in a commutation, before we proceed to examine measures, which are to clash as little as may be with any, and to advance, as far as possible, all of them.

The objects of the government may be assumed to be, the setting the capital and industry of the country completely free to extract the greatest possible amount of produce in the best manner from the soil, and the removing, at the same time, any obstacles created by the actual mode of collecting their revenues, to the efficiency of the labours of the religious instructors of the people.

The land-owners are affected by the measure in a direct and pressing manner. They have not only a common interest with the rest of the community in the successful progress of cultivation, but have, besides, a personal and immediate pecuniary interest in all measures tending to promote the liberal outlay of the farmer's capital. Wherever more capital is employed in agriculture generally, the surplus profits such capital yields, on the better classes of land, become rent on the expiration of existing leases: the continual application of fresh capital to the land, therefore, and the improvements of agricultural power and skill consequent on such application, are the sources of a gradual advance in the revenues of the land-owners, during the growth and strengthening of national industry; an advance wholly independent of any rise of prices, and indeed quite consistent with a fall in prices. All measures, therefore, which remove obstacles to the freest employment of capital by the occupier of the soil, and have a tendency to stimulate it, besides promoting the progress of national wealth, promote a general advance of rents, in

the only manner in which such an advance can take place, healthily and in perfect harmony with the prosperity of all other classes of the community. The prospect of such an advance, and from such a cause, is a sufficient reason for the anxiety which the land-owners have generally expressed for a permanent settlement of the tithe question.

The tithe-owners, the third party to the pending arrangements, have certainly some interests of an opposite nature. They have no direct pecuniary object to gain by effecting a commutation now. Considering the question, indeed, as one of mere profit and loss, they would clearly gain by postponing commutation or eluding it altogether. The produce of the British soil has more than doubled during the last seventy-five years. It is from year to year increasing at a still more rapid rate at present. In that increase, the tithe-owners have shared and are now sharing. The numbers of the people and the demand for religious instruction are increasing rapidly too; and even the improved revenues of the church are daily and confessedly becoming more and more unequal to the demands created by the enlarged community which is swelling and spreading round us. In the midst of such common movements, the tithe-owners are called on to submit to an arrangement, under which their revenues will at once become stationary while nothing else is stayed. So clearly, indeed, must such an arrangement, upon whatever principles settled, involve great sacrifices of future increase on the part of the church, that it perhaps becomes an advocate of the measure to state shortly what those other objects are, distinct from gain and revenue, the prospects of attaining which make such sacrifices justifiable and even expedient.

The revenues of ecclesiastical tithe-owners are means to a great end,—the maintaining the influence of sound religion over society. These means, in the actual social and economical position of this nation, have assumed a character very prejudicial to the full accomplishment of the end, and conscientious churchmen, who are convinced of this fact, see in it a valid and irresistible argument for submitting without remonstrance to some modifications of the actual system. Compositions have been sufficiently spread through the country to make the collection of tithe in kind, by an ecclesiastical tithe-owner, the source of great exasperation in the minds of his flock; and even when money compositions have been resorted to, the uncertain and varying value and amount of the produce they are to represent,—the chaffering, the wrangling, the manoeuvring, the angry feeling, and ill-blood between the tithe-payer and his religious guide, are serious impediments to the influence of that guide among one very important class of his parishioners, and all whom their example or authority can influence. Even those who do not pay tithe share in those feelings on other grounds. Tithes are represented to them as enhancing the expense of cultivation as a bread-

tax, raising constantly the prices of the first necessities of life. This opinion, in the actual position of the cultivation and commerce of the empire, is unfounded, but problems about the ultimate incidence of a payment like tithe are abstruse and difficult, and there is little chance of seeing an end put to popular delusions on this point, or to the acerbity, and dislike to the church and its ministers, which such delusions generate. To these sufficiently obvious causes of the unpopularity of clerical incomes derived from this source, another must be added, less in sight, less generally understood, but exercising still a very hurtful influence, and producing, in truth, a good deal of the soreness with which a portion of the land-owners always approach the very subject of tithe.

With the increasing produce of the soil both rent and tithe increase; but they increase at very different rates—the rent more slowly, the tithe faster. Where more agricultural produce is obtained by the outlay of more capital, it is found by experience that a greater proportion of the whole produce must be retained by the cultivator to replace his advances, and pay his profits on them; and the net produce, or rent, although becoming gradually larger in positive amount, constitutes step by step a smaller relative proportion of the gross produce. In England, within a century, rent has been stated by writers of authority to have averaged successively one-third, one-fourth, one-fifth, and one-sixth of the gross produce. This is certainly a very rough calculation, because the proportion necessarily differs on lands which are of different quality, and are tilled at different rates of expense. Still of the general truth there cannot be the remotest doubt, that rent consisting of a diminishing proportion of the raw produce, increases more slowly than tithe, which, however greatly the produce may increase, consists always of the same proportion of the whole.

Mr. Selmes, a practical agriculturist of great personal respectability, states, that in a district which he has examined, while rents have risen forty per cent., tithes have risen 140 per cent., since 1792. This case is no doubt an extreme one; but results similar in kind, though modified in degree, will be discovered, on inquiry, to have taken place throughout the country. It is natural (however much or little reason there may be in the feeling) that this different rate of progress in the clergyman's income and in his own should be distasteful to the land-owner; that he should see with aversion the proprietor of what he considers a subordinate interest in the soil, acquiring from it revenues approaching by successive steps nearer and nearer to his own. Nor is it wonderful that he should sometimes overlook or neglect the fact, that his rents from the land must be increasing, and not diminishing during such a process, and that he should be inclined to think his neighbour's prosperity must necessarily lead to his own poverty. The presence of such a cause of alienation among the

landlords is the more mischievous, and the more to be lamented, because the cordial cooperation and assistance of this class are not only useful, but almost necessary, to the full success of the exertions of the rural clergy.

While tithe retains its present shape there is little hope of getting rid of, or of materially allaying, these various sources of irritation. While they continue to excite and animate against the ministers of religion the tithe-payers, the land-owners, and much of the rest of the people, they must, to a considerable extent, prevent the clergy from carrying with them the good-will and affection of their flocks, in a task which, without such feelings towards the person of the teacher, can hardly be adequately performed. If the cause of religion and morals suffers by this, the fact is something more than a mere justification of those members of the church, who are willing to concur in altering the nature and character of the present revenues of the establishment, even though it be clear that such an alteration must be attended by some sacrifices. It is a feeling of duty founded on such considerations (and no want of perception of the nature and extent of the concessions they were about to make,) which has led the clergy to keep aloof, in silence, while the present measure has been under discussion. The attempts made to turn that silence to their disadvantage have not been very generous.

It is of course the province of the government, the arbiter between the other two parties, to see that in the ultimate arrangement of this question, while liberal justice is meted out to the land-owners, the sacrifices demanded from the church are not carried to a wanton and unnecessary extent,—that no invasion, for mere selfish purposes, of rights and income which have actually accrued, is attempted under the pretext of getting rid of obstacles to the future progress of cultivation.

In considering how far the present bill promises to effect all that might reasonably be looked for from an arrangement between such parties, and for such purposes, it may be right to premise that all its provisions are not precisely what I might myself have been disposed to suggest; and that, above all, I sincerely regret that those arrangements for the redemption of the rent charges to be established, which it has been promised shall be embodied in a separate bill, were not engrafted on the present bill, and passed at the same time with it. Still, looking at the bill as a whole, recollecting all the difficulties inseparable from the nature of the property to be dealt with, and perfectly aware of others which arise from the tempers, interests, and prepossessions of many of the parties who are to be reconciled to the measure, I am prepared to contend, with some diffidence certainly, but after having given much and serious attention to the subject, that the present bill will do efficiently and fairly the work which it proposes to do:—that the principles embodied in it, for the adjustment of the future tithe payments, are incomparably sounder and more

manageable in practice, than any which it has been proposed to substitute for them ;—and finally, without denying that some inconveniences and difficulties must be encountered in the practical working of the measure (as they must assuredly be encountered in the working of any possible measure for the commutation of tithe), that those difficulties and inconveniences will be found, on a fair examination, to shrink down to a number as small as can reasonably be hoped for, and so small as to make it obviously impolitic to reject, on their account, that permanent settlement, which, it is admitted, must be followed by wide and lasting national benefits. Before examining, however, the actual provisions of the present bill, it will be convenient to deal with one or two preliminary questions, which, while they remain open to doubt or dispute, stand much in the way of a fair judgment on this, or indeed any practicable, measure.

Some of the notions and pretensions, which may pass in review, may appear too obviously unsound to require formal confutation, and some to bear only remotely on that pending measure which we are about to discuss. No point, however, will be mooted here which is not distinctly known to have weight with whole classes of persons interested in the subject, or which is not more or less connected with some one or other of the objections and alterations which are the most pertinaciously urged.

On the proposition that Tithe ought not to be taken of produce forced from the soil by a great outlay of capital.

There is something very hazy, doubtless, in the arguments of those who support this pretension, but there is much of substantial mischief in the temper and conduct which a belief in the justice of the argument generates. Those who are fully possessed with such a belief, not only claim to be protected from any future increase of their tithe, but claim also an indefinite reduction in the amount they are now liable to, as something imposed upon them by a sort of legal injustice, which the legislature may be expected to remedy. To refute the pretensions involved in the arguments used on this subject, it might at first sight seem only necessary to follow those arguments up to their legitimate conclusions.

All that was meant to be granted as tithe, it is said, was the natural produce of the earth, as distinguished from the tithe of crops, only obtained by a great outlay. Now, the natural products of the earth in England are, heps, haws, acorns, and a few similar productions : every thing else is produced by labour and capital. Was it then to such articles as these that the grantors of the tithe meant to confine the revenues they devoted to religious purposes ? and if it is not meant to go back to such rude products, how is the point to be ascertained at which we are to stop ? What exact stage of cultivation is to be declared, for the purposes of pretensions like these, to be *the natural stage* ?

But this answer will be rejected as captious. Without going to such an extreme, it will be said, it may be quite just to consider the state of agriculture at the time the tithes were originally granted, and compare it with the state of agriculture now, and we may almost assume that the land-owners of that day would never have made a grant to the church of one-tenth of the gross produce of their possessions, if they had not looked forward to inexpensive modes of cultivation alone, and to a moderate, though indefinite, outlay of capital. On any other subject it would be strange to hear the revocation of a deliberate grant claimed, because it turned out eventually more beneficial than the grantor originally intended. But we may waive this point: the facts of the case are entirely against those who make any such assumption as has been stated.

The landholders, when the tithe was granted, were in the habit of realizing the whole of their rents by the expenditure of much capital in agriculture; and that not their tenant's capital, but their own: and, of all descriptions of men who have ever possessed the soil, were the least likely to be blind to the fact that, in granting one-tenth of the gross produce, they were granting what must be obtained not from the soil alone, but the effects of much wealth and labour expended on the soil. In the days of the Heptarchy, and very far into the Norman period of our history, England was cultivated precisely as Europe, east of Germany, is cultivated now. The greater portion of the land was tilled by the owners themselves; of the remainder, the most considerable part was in the possession of their labourers, who drew their subsistence from the plots allotted to them.

It was a consequence of this state of things that enormous masses of agricultural capital were accumulated in the hands of the land-owners, who might count their flocks, and herds, and stock, on the same magnificent scale that Prince Esterhazy, or any other Hungarian, Polish, or Russian nobleman, would do now. In the reign of Edward II., the elder Spenser complained that his feudal enemies, in ravaging his estates, had destroyed or driven away 28,000 sheep, 1000 oxen and heifers, 1200 cows, with their breed for two years, 560 cart horses, 2000 hogs, and 600 bacons. Hume remarks on this—"The plain inference is, that the greater part of Spenser's vast estate, as well as the estates of the other nobility, was farmed by the landlord himself, managed by his stewards or bailiffs, and cultivated by his villeins; *** little or none of it was let on lease to husbandmen."

Of these large proprietors, some were very enterprising cultivators; and in the east of England the Chamberlain of the Conqueror carried on his improvements on a scale which even Mr. Coke might envy. "Richard de Rulos, Lord of Brunne and Deeping (says Ingulphus),* was much addicted to agriculture, and delighted in breeding horses and cattle. Besides inclosing

* Quoted by Henry, vol. vi.

and draining a great extent of country, he embanked the river Willand (which used every year to overflow the neighbouring fields) in a most substantial manner, building many houses and cottages upon the bank, which increased so much, that in a little time they formed a large town, called Deeping, from its low situation. Here he planted orchards, cultivated commons, and converted deep lakes and impassable quagmires into fertile fields, rich meadows, and pastures."

It appears that marl next to dung was the most usual manure; and if they borrowed the mode of applying that manure, as we know that they obtained their knowledge of the use of it, from the Romanized Britons, their marling improvements were effected certainly in the most expensive and effectual manner. Pliny states that for the best white marl used in Britain the inhabitants sometimes sunk shafts 100 feet deep—that the effects of this marl were found to continue 80 years,—and that no man was ever known to have manured the same field with this marl twice in his lifetime. Yet marling, perhaps, is the improvement which has been the oftenest mentioned, when the rights of the modern tithe-owner have been controverted on the ground that he was receiving the results of an outlay never contemplated by our forefathers. Chalking is in many districts a more expensive operation than marling; yet chalking was familiar enough to our ancestors. Peter of Blois is reproaching a successor of Becket for caring more about agriculture than his pastoral charge. "What boots it," he says, "that the land is saturated with dung and chalk, while the harvest of the Lord is neglected, and the thorns and thistles remain undisturbed?"†

It needs no further proof surely that the proprietors accustomed to expend their capital in operations like these must know full well, that the grant of one-tenth of the raw produce of the soil was a grant which must derive the principal part of its value from their own outlay.

This appeal to historical facts has been made, because it is on a misrepresentation of such facts that the attacks upon tithe, as the produce of capital and not of the soil, have usually been made. But they admit of a shorter and not less complete answer. It must be admitted that this is a question purely between the tithe-owner and the land-owner. The nation has an interest in promising freedom from tithe to all capitalists who will embark fresh capital in cultivation, but it has no interest in seizing on a part of the actual tithe, and transferring it, not to capitalists, but to the land-owner. It being, then, a pure question of property between the receiver of tithe and receiver of rent, it is tolerably clear that no argument of this kind can be urged against the rights of the receiver of tithe, which would not tell with at least

† Quæ utilitas quod fimo et creta ager sationarius impinguatur, si in Dominicæ messis cultura, nec spina evellitur, nec extirpatur tribulus, nec verbum Domini seminatur?—Petr. Bloes. Ep. v.

as much effect against the receivers of rent. When it is declared to be an intolerable thing that the tithe-owner should share in produce obtained by the past application of capital to the soil, the reply is obvious ; that it is by the past application of capital to the soil that a great proportion of the actual rents have been generated. If the argument resorted to is valid against the tithe-owner, it is full of peril to the whole landed body. Nor is the peril quite so imaginary or far off, as the reader may be disposed to think. A well-known political economist of the utilitarian school, not without name and influence, in a book professing to be a school-book, and widely circulated, has actually proposed, on the very ground we have been examining, that government should seize for national purposes all future additions to rent, and argues that the continual increase of rents "arising from the circumstances of the community, and from nothing in which the landholders themselves have any peculiar share, does seem a fund no less peculiarly fitted for appropriation to the purposes of the state, than the whole of the rent in a country where land had never been appropriated."* He had before stated that in such countries as those last named, there is "a peculiar advantage in reserving the rent of land as a fund for supplying the exigencies of the state." There is no doubt that the author of these propositions believed himself very sincerely to be in the right, but he is not at all the less dangerous foe for being sincere. There are answers, no doubt, and very sufficient answers, to the arguments he produces on the subject, but they turn on the sacred nature of property with all its incidents, and could hardly be made available by persons, who were attacking the property of their neighbour with weapons precisely similar to those directed against their own. The landed body, the owners of one of the largest masses of visible and tangible wealth in the country, should surely be the last persons (as a body, I sincerely believe they would be the last persons) to give a feather's weight of authority to subtleties of this complexion. There are at hand among us deeper casuists and bolder innovators than they are, who have already given sufficient notes of warning, if warning on such a point were necessary, that if the game of spoliation, direct or indirect, is to be begun, it will not be played out in favour of the owners of the soil.

On Plans for making the future Tithe Payments a proportion of the Rent.

These plans deserve a more serious attention than the pretensions we have been discussing. They have been adopted and put forth in perfect good faith, are sanctioned by the advocacy of some most respectable names, and would bring with them some indisputable advantages : they will be examined, therefore, without the slightest disposition to exaggerate their defects, and

* Mill's Elements of Political Economy, 3d edit. p. 253.

with some regret at being obliged to point out their uselessness in practice. These plans may be divided into two classes.

The first class proposes to establish one common proportion of future tithe payments to future rents on all the soils of the kingdom. The second class proposes to ascertain the actual proportion of tithe to rent in each particular case, and to perpetuate those varied proportions. A modification of this second plan has been attempted by one of the amendments before the House of Commons, which shall be noticed in its place.

The first class of plans, that which fixes one common proportion of tithe to rent, to be perpetuated throughout the whole kingdom, came first before the public sanctioned by the highly respectable name of a nobleman, of the perfect equity of whose intentions there could be no doubt, and derived considerable plausibility from two facts:—first, that taking large districts in different parts of the country, and comparing the whole tithe with the whole rent, some approximation to such a common proportion may be discerned;—and, secondly, that more than 2,000 Inclosure Acts have been passed, in most, if not in all of which, an arrangement between the tithe-owner and the land-owner has been carried into effect, which must have been based on an assumption that some such common proportion of tithe to rent exists.

It will be convenient to point out, first, why it is impossible, from the very constitution of the earth, that such a common proportion of tithe to rent, if enforced in detail, that is, in individual cases, should be otherwise than capriciously unjust; and then, to explain how it happens that such a plan should have received any seeming support from calculations formed on districts, or from the practice under Inclosure Acts.

Equal quantities of produce are notoriously obtained, at a very different expense, from soils of different quality; from stiff lands for instance, at a greater expense than from light; but the rent of lands producing equal quantities of produce will vary with the different expense of obtaining that produce, will be small when the expense is great, and larger when the expenses have been less. The tithe, however, of equal quantities of produce must always be the same; that is, there will be the same tithe with different rents, and there can be, therefore, no universal proportion between them while the various soils of the earth yield equal crops, only to very different quantities of labour and expense.

Were the differences in the proportion of tithe to rent very small in particular cases, it might still be possible to establish some common proportion, without any very gross violation of the rights of individual tithe-payers or receivers. But the difference between the proportions on different soils is not very small, but very great. It comes within the knowledge of the writer that in two tracts of country having a long common boundary, the tithe on one side of a particular range of hills averages one-eighth of

the rent, and on the other side of the range one-third : and that in a ride of five miles, tithe may be found one-tenth of the rent (at a low composition), one-fourth of the rent, and more than the rent, with many intermediate proportions. These lands have many of them been sold very lately ; most of them within a century ; the high-tithed at a low price, because so burthened : the low-tithed at a high-price, partly on that account. Equalize the proportion of tithe to rent on all, and (putting the clergy out of the question) very gross injustice would be inflicted on the land-owner who found his own tithe doubled, while that of his neighbour was proportionably lessened. The incomes of individual clergymen would obviously be affected too most capriciously, and it so happens, in a most undesirable direction, for the incomes, already small, of the clergy in the poorer districts would be lowered because there the actual proportion of tithe to the low rents is the greatest : while the incomes of the clergy in the richer districts would be proportionably augmented ; because in those districts the actual proportion of tithe to rent is the smallest, and they must profit by the equalization which would be ruining their poorer neighbours.

We come then to those returns, from different districts, which indicate that the proportion of the whole tithe to the whole rent may be nearly the same in distant parts of the country. It is obvious that though this be true, yet when the proportion is tried in detail, and applied to individual cases, it may fail entirely. For instance, let the general proportion indicated be two-ninths, which was the proportion assumed in the plan most known. If two farms in that district are examined, it may very well happen that the actual proportion on one may be one-ninth, and on the other three-ninths. These differences would disappear in the district return of two-ninths, but would remain, and be fatal to any attempt to introduce that proportion as a measure of tithe by rent, in all cases.

In the plan spoken of as best known, (which was in fact the plan of the nobleman before alluded to,) a rectification of the ordinary proportion of two-ninths was applied to the higher class of rents. And lest it should be thought that this adjustment would make the plan more practicable, it may be as well to say a word on it.

In arranging such adjustment it was assumed, and justly, that tithe ordinarily bears a lower proportion to rent on high than on low rented lands ; that where the land is good, and much of the produce can be afforded as rent, there the tenth of the whole produce will be less in proportion to that high rent, than in cases where the rent consists of a smaller part of the produce. It was proposed, therefore, that if what were called average lands paid two-ninths, higher-rented lands should pay less than two-ninths, and less in proportion to their higher rents.

There was again a fallacy involved in the reasoning which led

to the application of this process to individual cases. It is true that generally tithe will bear a lower proportion to rent in good lands than in worse; but it is not true that in any particular case, the net produce or rent affords any criterion whatever of the amount of the gross produce, which amount determines tithe. A rent of 40*s.* may be received from very rich land of expensive tillage, producing five quarters of wheat to the acre, or from a less productive but more easily tilled land, which at a much less expense produces lighter crops; and to fix the tithe of these two soils at exactly the same proportion of their rent of 40*s.* would be obviously to interfere wantonly with the legal burthens under which they have been respectively bought, sold, and inherited.

In spite, however, of what may be called demonstration, of its unjust and capricious operation, this plan of measuring tithe wholly by rent has derived, and indeed is deriving, considerable support from the practice under Inclosure Acts. To give a certain proportion of the land in lieu of tithe, is substantially the same thing as to assign a proportion of the rent in lieu of tithe. In more than 2000 Inclosure Acts the practice has been to assign to the tithe-owner a proportion, and nearly the same proportion, of the land in lieu of all tithe. These Acts have embraced every variety of soil, have passed with the assent of all parties, and the uniformity of the practice under them, it is argued, indicates that there does exist, on all soils, a certain proportion of tithe to rent, which may be generally adopted, without doing violence to the interests of any party.

The answer to this is, that it may be proved, beyond a possibility of cavil, that such an uniform practice adopted on soils of different qualities must have been vicious in some; and further, that there existed reasons, why the parties to Inclosure Acts should acquiesce in that vicious practice, which do not exist in the case of the much more numerous parties on whom it is now proposed to enforce it.

When land is to be assigned under an Inclosure Act, it is clear that, in the first instance, as much must be assigned to the tithe-owner, as will produce one-tenth of the titheable produce of the whole land to be divided. This may be roughly assumed to be always one-tenth of that land, which will then be a constant proportion in all Inclosure Acts. But besides this tenth part of the land, the tithe-owner must in every case have just so much more land, as will repay for the expense of cultivating that tenth and getting its produce clear; because it is to the tenth part of the produce, clear of all expense of cultivation, that the tithe-owner is entitled. Now this second proportion of the land cannot be constant under all Inclosure Acts, but must vary with the greater or less expense of cultivating the part which is to produce his tenth, that is, his proportion of land must be greater in soils of heavy tillage, and less in soils of lighter tillage; the tithe-owner's share of the land will, therefore, bear a greater proportion to the land-owner's

share in heavy land than on light, just as we saw that his tithe of inclosed lands bore a greater proportion to the rent on heavy soils than on light.

Let there be three inclosures on three different soils, A., B., and C., of which A. is more expensive to till than B., and C. less expensive. Then on B., after assigning one-tenth to the clergyman to produce his tenth of the produce, suppose it to be ascertained that another tenth will be enough to repay the expense of cultivating the first tenth, and produce to the tithe-owner his clear tithe. In the inclosure of B., then, one-fifth will be the tithe-owner's proportion. But if in A. one-fifth of the land is also assigned to him, the expenses being greater on A. than on B., the tithe-owner will not get his tithe clear, and will suffer; and on C. the expenses of cultivation being less than on B., the tithe-owner will get more than his clear tithe of the whole lands inclosed, and the land-owners will suffer; and, as the difference in the expense of cultivating different soils is confessedly great, so the difference in the quantity of land assigned for that purpose must be great too. A little further investigation will show that the differences in the proportion of land assigned under Inclosure Acts ought to be the same as the difference of the proportion of tithe to rent upon different inclosed soils.

Still, in spite of the most distinct proof that the assignment of the same proportion of land on all soils, in lieu of the tenth of the produce, must be unjust to one party or the other on some, there is nothing very astonishing in the array of Inclosure Acts, under which both parties have submitted to such an uniform apportionment.

The prospect of an improved income from lands not cultivated at all, or cultivated as imperfectly as common lands always must be, is a bait to all the parties interested to consent to Bills of Inclosure, without debating too keenly upon terms. It has been said, somewhat loosely, perhaps, that the millions of acres inclosed since 1750 produce six or eight times the amount of their former crops, and if any thing at all like this be correct, it sufficiently accounts for the facile and uninquiring mood in which the terms imposed by those Acts were agreed to. There is no doubt, too, that the opinions and practice of surveyors had, under such favourable circumstances, very considerable influence, and it is not difficult to understand how the uniformity of their practice took its rise. The notion that tithe may be ascertained by considering it as some definite proportion of rent, the same, or very nearly the same, in all cases, is one which at one time had laid fast hold on several eminent and able persons among the first class of public men; and if the facts which demonstrate the impossibility of finding such an universally applicable proportion had for a time escaped their observation, it is not very wonderful that a body of country land surveyors should adopt from one another a practice most convenient from its simplicity,

and impose it easily on parties predisposed to assent willingly to arrangements, which, on the whole, were clearly and greatly beneficial to them. The voluntary acquiescence of parties so situated certainly forms no sort of ground for forcing compulsorily similar arrangements, on a multitude of unwilling parties, quite alive to the unsoundness of the calculations they are based on, and perfectly aware that their general adoption must necessarily, in a great majority of cases, when applied to all descriptions of soils indiscriminately, inflict injustice on one or other of the parties concerned, whatever be the scale adopted.

Plans for Commuting Tithe, on the Basis of the various Proportions Tithe now bears to Rent on different Lands.

It is proposed by some persons to ascertain the reasonable value of the tithe, to compare it with the actual rent, and to declare that a like proportion of the future rent shall always be paid in lieu of tithe.

This plan is certainly free from many of those objections which are fatal to all schemes for establishing on all soils one and the same proportion of tithe to rent, and is not without its peculiar recommendations. Under it the great national object, of setting completely free the fresh application of capital to the soil, would be fully effected. The produce obtained by such fresh capital would pay no tithe till the capitalist was secure; in other words, till such capital returned the ordinary rate of profit, and returned besides a surplus profit, which, at the expiration of existing agreements, would become rent, in which surplus profits or rent alone the tithe-owner would share. The land-owner, while he was secured against increased demands, except in the case of increasing revenue, would be equally secure, that, if his rents fell, his tithe payments would proportionally diminish. In the meantime, the funds devoted to religious instruction, increasing as rents rose and cultivation improved, would increase step by step with the increasing population, not so largely, indeed, as when tithe was a fixed proportion of the gross produce, but still to an extent which might be useful in meeting the increased demand for religious instruction.

It is to be regretted that, looking forward to the practical working of such a scheme of commutation, objections to it are to be discerned which, it is to be feared, are insurmountable. It would inevitably lead to a renewal of the discord which it is one of the chief aims of the commutation to get rid of. Under it there would inevitably be between the parties some fraud, the suspicion of more, great jealousies, and much wrangling and litigation. It would be extremely difficult to secure, in the outset, any fixed principle as to the nature of the rent to which the future tithe was to be adjusted. A farm may be let for 100*l.* a-year, on condition that the landlord should do the ordinary repairs, and the tithe might be adjusted as one-fifth of that rent,

or 20*l.* In another seven years the farm may be re-let at 80*l.*, because the tenant is now to do the repairs. The tithe will at once sink to 16*l.* by an operation which clearly ought not to affect it at all. So, again, a farm which is now let, with all its buildings, for 100*l.* may be re-let for 80*l.* without its buildings, which may be demised by a separate contract, and the tithe adjusted to the 100*l.* would again suffer, without the slightest reason, by this change. The temptation to manœuvres of this kind would be far too strong to be always resisted; and, worse than all, the fluctuations in rent would be to be watched and examined; and how are they to be tested? By a periodical valuation? How expensive! By the private inquisition of the tithe-owner? What a fruitful source of fraud and ill-blood would this be! It will be observed, too, that one of the most serious economical objections to tithe would still remain untouched. It is true that, under such an arrangement, the tenant's capital would flow freely to the land, unchecked by tithe; but not so the landlord's. The landlord's outlay is always with a view to rent, and in that rent the tithe-owner would continue to share; and his increasing tithe, as far as it could be traced to the outlay of the landlord's capital, however far short of that share in the increase of the whole producee, which he now gives up, would still be sufficient to keep alive the clamour and the ill-will which are the prominent evils of the present system.

It has been mentioned that a third scheme for adjusting tithe by rent stands on the list of amendments in the House of Commons. It modifies the plan we have last been discussing, by enabling the Quarter Sessions periodically to lower the tithe if rents fall, but gives no power of raising the tithe if rents rise. Under this plan all the increase of tithe, now the legal right of the tithe-owner, would be stopped, but he would be left exposed to a periodical decrease of his tithe by a decree of the Court of Quarter Sessions. It can be only necessary to observe on this plan, that while it opens all the sources of fraud and discord pointed out as belonging to that last examined, it engrafts on it the further element of violent and undisguised injustice—an injustice which, however obvious it may be to others, we must believe, from the name attached to the notice of amendment, to have escaped its framer.

The Pending Bill.

Having cleared away some of the objections which stand in the way of any really practicable and equitable measure, we may proceed to examine the provisions of the pending bill.

That bill adopts the actual compositions as the basis of future payments, and corrects extreme cases by reference to the actual produce of the last seven years. In cases where tithe has been taken in kind, it adjusts and limits the future payments by a reference to the same standard; and it is essentially compulsory.

Little objection seems to exist in any quarter to making the actual compositions the basis on which the future payments are to be calculated. There are circumstances in the nature of the property to be dealt with which certainly make this reasonable and just. In calculating the advantages of different modes of cropping, there is a point at which it may be advantageous to select one rather than another, simply because it will make the grower liable to a less tithe. In this particular class of cases much cultivation would probably change, if the full tithe were demanded. This circumstance is, of course, taken into account by both the tithe-payer and tithe-owner, in arranging a prospective composition, and constitutes a fair and valid reason for making the composition, and not the actual produce, the groundwork of calculation when arranging future payments.

But though this part of the nature of tithe-property should confessedly form an element in fixing future payments, this concession is sometimes abused, to an extent which makes the pretensions founded on it an obstacle to any fair or definite arrangement at all. The land-owner has it in his power to turn his whole estate into sheep-walks, it is said, and some reduction, to an indefinite extent, is claimed from the actual value of tithe, as a compensation for submitting to a future fixed payment, and abandoning a power which may be so ruinous to the tithe-owner. The answer is obvious. The freaks and passions of an individual land-owner may, now and then, lead to such a proceeding, but no reference to such supposed extreme cases can reasonably be listened to while calculating the terms of an arrangement which is to be general and permanent. The clergy have now exactly the same security for the future production of their tithe, as any other person has for a revenue issuing from the property of a stranger, namely, the moral certainty that the owners of property will, generally and as a body, use that property in the manner most advantageous to themselves, and that the best method of cultivation, therefore, will never be abandoned, on any scale worth attending to, for the mere purpose of starving the tithe-owner; although, as was before admitted, there is a point at which a culture producing less titheable produce may be preferred to one of nearly similar profit which would produce more. This check to the demands of the tithe-owner acts then within no very ample limits, and its extent and value may always be discerned in the actual compositions.

But it is clear that there are cases in which the compositions will require some correction and limitation before they are perpetuated. There are some instances of collusion, or of bargains made under circumstances which produce the same effect as collusion, such as tithes re-let by the lessees of ecclesiastical corporations among their own tenantry. There are cases of bargains made long ago, and become obviously hard and unjust (if perpetuated) to one party or the other, and there are cases

too where a timid or a wealthy tithe-owner, acted upon by a dislike, probably a very conscientious dislike, to chaffer and wrangle with his tithe-payers, has submitted to terms which it would be manifest injustice and impolicy to perpetuate against his successors. Instances were mentioned in the House of Commons of cases coming within the personal knowledge of the members who stated them, in which the indiscriminate adoption of the actual compositions would do serious injury, sometimes to the tithe-owner, sometimes to the tithe-payer; and indeed it seems admitted on all hands, that *some* correction is necessary. The government plan proposes to leave entirely undisturbed all the compositions which, comparing them with the actual produce, are found to range between 60 and 75 per cent. of that produce, correcting those above 75 by bringing them down to 75, and those below 60 by bringing them up to 60. Such a plan appears likely to leave undisturbed the great mass of voluntary contracts relating to tithe, and to interfere only with cases which, it might have been hoped, would be generally admitted were such as ought not to be perpetuated.

Those whose opposition to the government plan begins here, (and this is apparently the most numerous class of opponents,) that is, those who are willing to take the actual compositions as the basis of the future tithe-payments, and to correct extreme cases by some method or other, may be reasonably asked, if they dislike the principle of correction contained in the government bill, what it is that they propose to substitute for it. If they have no practicable substitute to offer which is likely to be manageable in practice, it would be hardly wise to oppose the government plan of correction, even though its imperfections were much greater than they will be seen presently to be.

Hitherto only one other plan has been, it can hardly be said proposed, but indicated. It is contained about as clearly as it is contained anywhere, in the following letter of Mr. Selmes of Beckly, to the Editor of the Morning Chronicle. "With all the consideration I can give to the subject, I have arrived at the following conclusion, viz. that compositions paid or agreed to be paid for the last seven years, leaving out many cases which will appear to require some alteration both by the occupier and tithe-owner, *such as extreme cultivation or extreme composition, whether high or low*, should be investigated by an appeal to the Commissioners, who should have power to call in assistance to adjust any difference or difficulty that might occur. With regard to compositions made and agreed to by both parties, who is to say they have not been fair and satisfactory, and that such a mode of proceeding is not the best and only fair rule to govern the rent-charge? subject, as before, to an appeal in particular cases; and these will adjust themselves if *power be given to the Commissioners to regulate them.*"

In another passage of the same letter, the writer talks of

"considering land in a moderate or natural state of cultivation, and not in an artificial state, to force crops, as is now the case."

It is clear that in practice these proposals must end in leaving the Commissioners to neglect, if they please, altogether the actual produce, in correcting the compositions, and to fix the future payment according to their notions of the staple quality of the soil cultivated in a certain natural, as distinguished from an artificial, manner.

Now on this and all similar plans, one remark is obvious and decisive, that those things by which it is proposed to adjust and correct the tithe payments are themselves far too vague and indefinite to be used as measures or standards, for this or any other purpose.

The actual produce of the soil is at least something tangible; it may be examined, and other things may be measured by it and adjusted to it. But what is meant by the original quality of a piece of land considered independently of its produce? The fertility of cultivated land is the same thing with its power of yielding products to the art of agriculture. That power can only be tested by what it will yield to cultivation in its best and most improved state, and even that test is a most imperfect one and may in a very short time be proved to be so by the forward progress of the art. Again, *high farming, low farming, natural farming, artificial farming, forcing crops*, what utterly indefinite terms are these! and what would be the state of a large mass of property abandoned to a chance of the manner in which individual commissioners might apply such terms in practice! Why all cultivation is artificial; the very phrase "natural cultivation" involves a contradiction: all crops are forced crops; the object of all agriculture, good and bad, is to force crops; and the most natural system of agriculture, if we are determined to use the term, is surely that in which this common object of forcing is performed the most efficiently.

Let any one listen to a *high* farmer and a *low* farmer disputing as to what is *fair* farming, and he will be, at all events, much amused by the discussion, and perhaps not a little instructed. The *low* farmer is always ready to prove that his farming is the *fairest*, because it is the most prudent, while the *high* farmer retorts that his is the fairest because it is the best, and in the end the most profitable; and the detailed practices of each are discussed in the same spirit, and with as little chance of agreement.

Any attempt to draw a mean between two such cultivators in every particular district, and to decide on what was average or fair, what *high* and *artificial* farming, according to the practices of that district, would only produce a crop of opposite, and therefore, in some cases, of course unjust decisions. The practice of particular districts affords no measure of what is and what is not ordinary or average English farming, and cannot be

engrafted on any measure extending to the whole kingdom, without leading to great and almost ludicrous inequality and inconsistency of decision.

The ordinary practices of the best cultivated districts, long since proved to be the most efficient and profitable, when they first make their appearance in a more backward district, are called for a time exotic and artificial. But what would be thought of a law which sent a body of arbitrators over the country to declare one and the same practice, ordinary or average farming in Norfolk, and artificial or high farming in Devonshire, and authorised them to fix a different permanent charge upon each accordingly?

There can be little doubt that, in all the various plans current for confining tithe to some imaginary standard of average cultivation, there has been an oblique and half-smothered reference to a doctrine we have before examined and need not dwell on again, namely, that tithe ought only to be paid of the natural produce of the soil, and not of produce obtained from it by the liberal application of labour and capital. Such plans, therefore, are really supported by a vague reference to a most unsound distinction, and out of such materials no standard or measure could be woven which would lead in its practical application to any thing but confusion and subsequent discontent.

But, although the corrective just examined may have been proved to be illusory, this, it may be said, is a defence of the actual measure only against one, though confessedly the most numerous class of objectors, namely, against those who press for commutation, adopt the actual compositions as the basis of them, and only propose their own defective corrective of these compositions instead of that contained in the pending bill. Other objectors remain, who may reasonably expect to be convinced that the corrective actually offered has not only a relative superiority over any other proposed, but is free from any serious positive defects; that the whole measure, with this corrective, will not do injustice to the land-owners as a body, or to any important division of them, and may be applied without serious inconvenience to all individual cases.

It will not be denied that the pending Bill does very liberal justice to the land-owners as a body, if it can be shown that it diminishes their immediate liabilities to a considerable extent, and their impending liabilities to a much greater extent.

That the Bill diminishes the actual legal liabilities of the land is evident. What is due from the soil is one-tenth of the titheable produce. That is the measure of the land-owner's loss, though it may be no measure of the tithe-owner's gain. In all cases of tithe taken in kind, that loss will be reduced nearly 25 per cent.; in compositions ranging under 75 always more than that; and in one class of compositions nearly 40. The whole value to the land-owner, direct and indirect, of this immediate

establishment of a stationary payment, will be discussed hereafter; at present it is enough to see that it is an immediate boon to some extent.

The relief from an impending increase of liability is occasionally treated as something too distant to be taken into consideration when estimating the full bearing of terms of the actual measure. It is difficult to reconcile this tone of argument with the soundness of the grounds on which the measure itself has been so eagerly demanded. The tithe-owners and the government are told that the demand for the products of agriculture is increasing; that to meet it great exertions will be made, much capital expended; and that to facilitate the freest application of such capital, the tithe must be declared at once stationary. This is assented to: and then, in the same breath, the same voices are heard declaring, that these approaching improvements are a fable which must be altogether dismissed from the mind while the commutation is treated of.

A very short review of facts will put beyond all controversy the position, that the prospective boon to the land-owner will be not only very extensive, but immediate in its operation; and though the point must be treated briefly here, it cannot be too searchingly examined by all who wish thoroughly to understand the real influence of the pending measure on the interests of all the parties concerned in it.*

In 1755 the population of Great Britain was 7,525, 180 souls. In 1831, 16,539,318—that is, in seventy-five years it had considerably more than doubled. The additional produce of agriculture more than kept pace with the increasing population. The vegetable food consumed was raised in quality, and changed, over a great part of the country, from inferior grains to wheat. The consumption of butchers' meat per head became greater. Importations from Ireland and elsewhere were greatly overbalanced (to the extent of five or six millions of quarters) by the corn grown as food for the additional horses kept.

The population is at this moment increasing more rapidly than it did during those seventy-five years. During every ten years the whole of the population is adding fifteen percent. to its numbers. During the ten years, from 1831 to 1841, the addition will amount to 2,480,000 souls. When this decennial period has been completed, then an addition will have been made to the demand of an home market equal to three times the demand of Wales; rather exceeding that of all Scotland, greater than that of the Dutch United Provinces, or of the kingdom of Denmark. While such enormous additions are made to the home demand in so short a time, a constant stimulus to agriculture must necessarily be acting from year to year with a powerful and continuous effect. Now the yearly increase of production is answering so largely to that

* There is an able article in the Edinburgh Review of January last, on "The Progress and Present State of Agriculture," which may be very advantageously consulted.

stimulus, that it has somewhat outstripped this gigantic increase of demand. The ports have been closed for some time, and the late low prices of homegrown corn (now apparently rising) were confessedly produced by a temporary repletion.

In this increasing produce the tithe-owners have at this moment a legal right to share. In the midst of the movement they are asked by the land-holder to abandon that right in his favour; and this on the payment of not the whole, but of something less than the whole, of what, at the day of striking such a bargain, is their due. It would be wasting words to attempt to prove that such a bargain must be one essentially and greatly beneficial to the land-owners as a body; and that to talk simply of its justice is much underrating its character.

But it has been stated that the arrangement, though advantageous to the land-holders as a body, will act with considerable severity on particular classes of land-holders, whose estates lie in districts in which the actual practices of the cultivators could not be carried on, if the tithe were settled at 60 per cent., or three-fifths of their actual legal amount.

The weight due to such an assertion may be tolerably well estimated. The tithe-owners of a district are a body of men, lay and clerical, of different habits, need, and disposition; the body is in a constant state of change from death or sale; and there is no district of England within which, or within the immediate neighbourhood of which, some tithe is not taken in kind. Now if we suppose the usual plan of cultivation of a county, or of a much smaller district to be conducted on the faith that something under 60 per cent. of the tithe is all that will be ever demanded, we must suppose all the body of the cultivators to risk their means of livelihood on the chance that the whole mixed body of tithe-owners will continue to be satisfied with less than three-fifths of what is legally their due, and of what they see some one individual tithe-owner in their neighbourhood actually taking in full. It is tolerably well understood, that the farmers of no part of England carry on their cultivation upon such calculations; their habit usually is, to deduct the full tenth, or something like the full tenth, in calculating the rent they can afford to pay, and to consider all demanded less than that, as a chance profit, to be hoped for, but not relied on; and considering both the legal liability and the moral chances of change to which they are exposed, it would clearly be rash in them to act in any other manner. We may be reasonably secure then, that the farmers of no district whatever, be the actual rate of tithe there what it may, would be driven to give up the ordinary cultivation of that district, by fixing the rate of tithe permanently at three-fifths of the sum they may now legally be called on to pay to-morrow in money or money's worth.

The rents, however, of such districts, it is said, would suffer to a very great extent; but this is by no means a certain, nor even

a probable, consequence of fixing the tithe permanently at three-fifths of its legal amount, even where the actual payments may be something less. The farmer, as we have seen, in settling the amount of rent which he can afford to pay, never relies upon continuing to be called on for so small a proportion of what is really due to the tithe-owner ; and the rent, even in the lowest-tithed districts, is usually adjusted to a higher tithe than that actually paid.

But both the rent and the property of the farmer, and the productiveness of the soil, are affected in another manner, by the actual uncertainty of the continuance of forbearance on the part of the tithe-owner. There is always, under such circumstances, great timidity as to bold improvements which would lead to a visible and considerable increase of produce. What is paid for tithe now is considerably less than might be asked. A striking increase of this difference may bring about a change which may deprive a cultivator of the advantage he already enjoys in this respect ; and accordingly, some of these light-tithed districts are by no means amongst those most strenuously and successfully cultivated. But if skill and enterprise are set quite free by the perfect assurance that the full return for all fresh capital employed will be freely reaped, and no present advantage be forfeited, then all these districts will probably receive a new impulse, and join in the progress of increasing strength and power displayed by that national cultivation, which measures, as we have seen, by the population of considerable kingdoms, the growing demand it has to satisfy, and does fully satisfy. Such increasing expenditure and increasing products cannot fail, we know, gradually to buoy up rents.

We have been examining the case of districts in which some real though unfounded fear may be supposed to exist, that the demanding three-fifths of the produce as tithe would disturb the cultivation. But there are other districts quite as forward to complain, in which it is quite clear that no such fear exists, and that the complaints aim at an object of a very different complexion from that of merely protecting their tenants or themselves from injustice or hardships.

There is a petition on the table of the House of Commons from the corporation of Doncaster, which will serve as a sample of this class of objectors. That corporation has an estate at Rossington, in Yorkshire, and is, or lately was, patron of the advowson, (a fact, by the way, which is not stated in the petition;) the estate consists of about 3000 acres : the tithe in kind the corporation states to be worth 10s. per acre, or 1500*l.* For fifty years this estate actually paid only 500*l.* as tithe—lately it has been reduced to 450*l.* The rental is somewhat less than 2700*l.* Upon its own showing, then, the corporation, drawing this rent from the parish, pays to the Rector just three-tenths of the tithe legally due to him.

The petition from Doncaster however states, that the present measure would be severe, it is not said upon the corporation, but upon the agriculturists who have, by their outlay and industry, brought the land into a "high state of profitable cultivation," and would double the tithe paid to the actual Rector. Let us suppose it to do so. How could the cultivating agriculturists or the returns of their outlay possibly be affected? They now pay in rent and tithes about $3150l.$ a year. If the whole gross tithe of $1500l.$ a year were exacted, they could still, without encroaching on their returns, pay a rent of $1650l.$ a year. It must be remembered, that, under the law as it now stands the future income of the corporation might probably be reduced to this. The advowson must soon be, if it has not already been, sold under the Municipal Reform Act. Tithe in kind may be the resort of the purchaser's first nominee. For when the ownership of the estate and patronage of the advowson have been separated, it is just possible that a "satisfactory" composition may not be readily effected on such easy terms.

Under the proposed law, the corporation might first enter into a voluntary contract with the Rector, to whose "satisfaction" with the actual composition of $450l.$ the petition deposes. If this were not done, the pending Bill would secure to the corporation for ever a sum of $600l.$ a year out of the $1500l.$ a year, admitted to be the amount legally due from their estate, and make it impossible for either the present Rector or the future nominees of a purchaser to claim any part of it. The future rent would then be $2250l.$ The actual rent would indeed be diminished by one-sixth, and rather than submit to this, or pay to the present or future Rectors more than three-tenths of what is due to them, and in the hopes of getting rid of more than $600l.$ a year of their actual liabilities, the corporation would, they may say, if the law remains as it is, gallantly peril its rent of $2250l.$, and use its privilege as a landlord of destroying the high state of profitable cultivation which the tenantry is described to be carrying on on the estate. The reader may safely be left to judge for himself of the probability of such a threat being executed, and of the effect on the corporation finances of an attempt to execute it.

The proposed measure, it will be remembered, is pressed upon the government by the voice of a large portion of the people and by considerations of great public interest; and the character of arbitrator is thus forced upon it. If, in the progress of the operation of the proposed Bill, the pressure it produces is only such as that which it would inflict on the corporation of Doncaster, that will be hardly accounted a blemish discreditable to the equity of the arbitration.

There are two other cases distinct from the possible pressure on the actually low-tithed districts, in which it has been supposed, that correcting the compositions by the actual average produce may lead to considerable hardships in numerous instances.

Lands near Towns.

The multiplication of rail-roads, and the influx of produce from remote districts, it has been supposed, may affect the value of the peculiar produce of lands which are near towns, and may make a permanent tithe fixed on that produce unjust. He must be a confident speculator who sees, even in the promised increase of rail-roads, a cause of change in our internal communications more potent than the canals, the coasting steam-boats, and the net-work of passable roads which, during the last fifty years, have been opening to districts considered remote, the approach to markets before inaccessible to them. And experience during that period shows distinctly, that as the circles from which increasing towns draw their supplies are enlarged, the land in the immediate vicinity of each town increases in positive value, though its relative superiority to more distant parts of the circle may decrease. Even rail-road prices cannot prevent land in the close vicinage of towns from enjoying many advantages, and if the prices of some of their peculiar products fall, the greater breadth of land devoted to the cultivation of high priced commodities more than compensates for that fall. That a spread of population and the growth of towns should be simultaneous with a fall in the positive value of the land in their immediate vicinity, is perhaps the most groundless of all timid expectations.

Grass-Lands.

Another objection to the taking the actual produce as a guide in fixing the actual compositions is, that grass-lands, being permanently charged with a low tithe, will be extensively ploughed up, and their produce brought into competition on unfair terms with that of the lands now under plough.

Were there more reason than, as we shall presently see there is, for believing in the probability of an extensive breaking up of grass-land, it would still be quite impossible to reconcile the objections made to the Bill on this account with any of the grounds on which commutation is demanded; and when some present equalization of the tithe of grass and tillage lands is recommended, it is difficult to avoid being bewildered by the inconsistent fears which it is expected shall be quieted by the same measure. The interest of the nation demands, it is said, the freest possible application of capital to the soil, and therefore the completely unimpeded progress of tillage. And then it is proposed to fix now, upon those very soils which must be reckoned on as the field for that spreading tillage, a payment proportioned, not to what their tithe is, but to what it will be when more capital is applied to them; that is, it is proposed to fix them, before they have legally incurred it, with a part of the very burthen which has been declared a national evil, because its pressure is said to be inconsistent with the tilling such lands at all.

It is not probable, however, that the commutation of tithe would be immediately followed by an extensive ploughing up of grass-land ; and if, at a more distant period, such a process takes place, it will, as far as we can now judge, be under circumstances which will effectually prevent any repining at a previous commutation of the tithe on the principles of the present Bill.

Since 1814, more than four millions of souls, that is, a population greater than that of Sweden and Norway, has been added to the consumers in our home-market ; and yet, during that time, there has been a disposition rather to lay land down than to plough it up. The additional produce, gigantic as the addition has been, has been obtained by better, not by more extensive tillage farming. And yet, the one great improvement, by the application of which modern agriculture has added so enormously to its powers, has been adopted on only a very moderate portion of the English soil. That improvement is the alternating with corn, on the tillage-grounds, crops on which cattle are maintained. The progress of such a practice is possible only in countries where there is an increasing demand for butcher's meat, but where such a demand exists, its gradual progress to soils of all descriptions, after it has once become known, may be anticipated with great confidence. Hitherto it has been almost confined to light and dry soils. Perfect draining is the condition on which alone it can be attempted on stiff and wet land. The great expense of drainage has, hitherto, been an effectual obstacle to the general participation of such soils in the benefits of the improved husbandry of the day, and we see the occupiers of them struggling with difficulty to maintain them in cultivation at prices produced by the abundant harvests of their more fortunate neighbours. But the art of draining is, as might be expected, improving : already the operation may be effected in the very best and most effectual manner, on the stiffest soils, for one-third of what it cost a few years ago. The next great conquest of English agriculture will clearly be on such soils. Root crops, and summer and winter soiling, producing, necessarily, more perfect tillage and progressive enrichment, may gradually restore the clays to an equality at least with the lighter lands, if not to their ancient and once vaunted superiority.*

The high probability of a gradual spread of the most improved practices of husbandry to all the soils of the country, which it will take a very long period to effect, makes it reasonable to expect that the successive additions to our population will for a long time be fed, as the additions made since 1814 have been fed, from the increased produce of lands already under plough.

* Vaunted in some verses still current in many rural districts, although they have ceased to represent the truth :—

When the sand doth feed the clay,
It is Old England well-a-day !
But when the clay doth feed the sand,
Oh, then ! hurra for Old England !

In the mean time the demand for the various products of grass-lands is increasing yet more rapidly than the demand for corn. In such a state of things the ploughing up extensively meadow and pasture is little likely to take place. The time may come, indeed—and if the population advances for some generations at its present rate, must come—when it will be necessary to obtain what are now the ordinary products of grass-land from tillage, and thus devote an additional portion of the country to corn ; but this spread of the best and most profitable garden culture to all the soils of the country is a state of things to be looked for in a distant, not in the immediate future ; and if it should ever arrive, no class of landlords, certainly, will have any reason to regret that in 1836 the right of the tithe-owner to one-tenth of the produce was commuted for a permanent corn-rent.

The objections made to considering the produce of the last seven years as the standard by which the compositions are to be adjusted, before they are perpetuated, have been dwelt upon at some length ; because, if these objections have been fairly met, by far the most numerous body of the opponents of the Bill are answered.

It has been seen then, it is hoped, that some standard must be adopted for correcting and adjusting the actual compositions, if they are to be the basis of the permanent payments. That the standards proposed by those who object to this part of the pending plan are by far too vague and indefinite to be used for such a purpose ; and that the actual produce of the last seven years, treated not as the basis of the commutation, but as a standard of comparison, by the aid of which the compositions are to be corrected, may be successfully used as a guide to the establishment of permanent future payments in lieu of tithe ;—that the change to such fixed payments will be advantageous now, and much more advantageous hereafter to the landholders as a body,—not likely to disturb cultivation in any districts,—and well calculated to facilitate and stimulate improvements in the agriculture of all.

Apportionment of the gross Tithe by the Land-owners among themselves.

During the discussion of the measure, a strong opinion has been expressed by Mr. Blamire, the member for Cumberland, and it is supposed to be shared by a considerable body of land-holders, that supposing the whole tithe due to the tithe-owner to be fixed, upon the plan of the present Bill, the apportionment of that tithe among the several landholders from whom it is due, might be adjusted with some view to future changes in cultivation and to accidental inequalities in the pressure of the actual payments. If there really are considerable districts, where such an operation can be attempted with fair hope of its success, it is evident that the conduct of it must be left to the land-owners

themselves, or to their nominees. It would not be tolerated that the tithe-owner should interfere in changing the relative liabilities of the tithe-payers. The government could not prudently embark in an operation which would impose on it the ungracious task of shifting a portion of existing burthens, with a view to future events which can now only be guessed at; and this in an array of cases as formidable as that which must include all the tithe-payers of England.

Still, where the land-owners believe that they can apportion among themselves the amount of tithe-payments decided to be due from them, on some principle more palatable and satisfactory to them than that of their actual individual liabilities, it would be most ungracious to refuse them the opportunity they ask. But in introducing a power of this description into the Commutation Bill, it may be prudent to leave parishes and tithe-districts an option, as to whether they will or will not use it. There may be instances in which it will be clear to the parties, that the attempting to execute such an apportionment among themselves can only lead to disputes and delay.

There still remain to be noticed, before we conclude, two or three points, and one of them (on the degree of compulsion to be applied) of considerable importance.

Diminution of Tithe Payments on the ground of the increased Security of the Tithe-owner.

A plan has lately been very prominently put forward for giving to the tithe-payers, permanently, a portion of whatever tithe may be ascertained to be due from them, as a consideration for the increased security which the establishment of corn-rents will put into the hands of the tithe-owners. When those who advocate this claim use the phrase *increased security*, it is not very clear, whether they mean a better pledge than what from time to time is due to the tithe-owners shall be really paid, or a greater probability that the present revenue of the tithe-owners will not be lessened in future.

If the phrase is used in the first sense, then the assertion is not true, that the security of the tithe-owner will be improved by the substitution of a rent charge, with all its powers of distress and entry. The tithe-owner has already the best and surest pledge that what is due to him will be paid, in the power the law gives him to take the tenth of the produce in kind, to lodge it in his own barns, and dispose of it himself. No conceivable legal pledge, that money shall be paid to him by the land-owners, can be converted into as complete a security as this is. But although this is admitted to be true as to tithe in kind, it is not true, it is said, as to compositions for tithe, for the recovery of which the tithe-owner has only a personal security. Why certainly, if the tithe-owner voluntarily relinquishes for a time the real and complete though somewhat harsh security which the

law gives him, he does for that time accept from the tithe-payer his personal security ; which he may reject the very next year, if he finds his confidence abused. Is the existence of such temporary contracts now gravely put forward as a reason why the tithe-owner should be dealt with as if he had finally abandoned and lost that best of all securities, the receipt of his tithe in kind, which he can still resort to at his pleasure ?

But the tithe-owner has improved security offered him in another sense, it may be said. When the corn-rents are fixed, he will be sure of never suffering by changes in cultivation, or receiving less than he is to receive now. Granted ; and if the tithe-payer's payments are fixed by the Bill, he will be sure of never paying more than he does now : this is much more than an equivalent (looking to the actual movement of agriculture) than the assurance given to the tithe-owner that his tithe shall be stationary—an assurance which, when offered as a benefit that he must pay for, has really somewhat of the air of mockery.

Parochial Assessments.

It has been questioned whether the future tithe-payments should be now calculated and fixed as subject to parochial rates, or free from them. There are some obvious reasons for fixing them now freed from rates ; but there are other reasons too, on the other side of the question. It is beneficial to every parish that the clergyman should have a common interest with his parishioners in all their arrangements : it is fit that the incomes of the clergy should contribute their share ostensibly, rather than virtually, to the maintenance of the poor. There is also a reason of a different kind, arising from the manner in which the poor-laws have been administered during great part of the last seven years.

In the Morning Chronicle of the 1st of April last, it is stated, that by a certain system of "working the parson," the poor-rates might be made to absorb the whole tithe ; and in a letter to the editor of that paper, of the same date, a correspondent (whose name shall not be mentioned here in connexion with transactions such as those he has identified himself with) makes it a subject of grave and bitter complaint, that the occupiers have no longer the power of thus "defending themselves against the tithe-owner."

The system was this :—the labourers were paid insufficient, and indeed mere nominal wages. The deficiency was made up out of the poor rate ; and the clergyman, employing no agricultural labourer, saw what should be his income, applied in the guise of poor rates, to pay the wages of workmen employed for the profit of others. The transaction pauperized, at once, all the labourers of a parish ; and was, besides, a direct and deliberate fraud upon the clergyman. The practice was, as in all reason it should be, treated as an indictable offence, and punished, when-

ever concert could be proved ; and there were instances (or, at least, one instance certainly) in Sussex, in which persons were legally punished for it. The extent to which the system was carried may be judged of from the assertion of the writer in the Chronicle, that thirty-five or thirty-eight shillings in the pound might be levied in this manner, and by the regrets unreservedly expressed by the correspondent of that paper, himself a farmer on a very large scale, that he has it no longer in his power to commit this most mischievous crime.

If the future tithe-payments were now fixed as free from rates, and the value of the exemption was calculated from the rates levied under such a system, the consequences of these fraudulent proceedings would be perpetuated against the tithe-owners.

Compulsory and Voluntary Plans.

The degree of compulsion involved in the government plan appears to some persons one of the chief objections to it.

It has been urged by a very eminent authority, that if voluntary compositions alone were now authorised ; if the principle on which compulsion is hereafter to be applied were not yet decided on ; then the voluntary arrangements made throughout the country would really afford the best indication of the principles on which a just and satisfactory compulsory measure might hereafter be framed. There is something attractive in such a proposal. The framing a compulsory measure is confessedly a task of much difficulty, and some previous experience of the course of voluntary contracts would be an aid not to be rejected lightly, if the delay produced no mischievous distortion of the cultivation of the country, or created no obstacles to the introduction and working of that equitable and final compulsory measure, which it is now admitted on all hands to be the intended office of the voluntary system, to lead up to and facilitate.

But if a voluntary measure were confessedly the precursor of compulsion, it can hardly be denied that a strong temptation would be afforded to the owners of land to put it for a time in the course of cultivation, which would enable them to meet the compulsory measure in a position to be permanently fixed with the smallest possible amount of tithe. Mr. Preston, for instance, has been frankly lamenting that the measure as now proposed does not allow him seven years, during which, by a course of "judicious, as opposed to vindictive management," he might put himself in a position to meet the compulsory settlement. The request requires no comment, and the instance clearly would not be solitary. But it was strongly urged in the House of Commons, that such cases would be too rare to produce any general movement in the agriculture of the country ; that the course of cultivation is decided by the nature of the soil and interests of the cultivator ; and that any general change with a view to the tithe would be improbable, if not impossible. This is a practical

question, and if viewed in its details, opinions like these might be very much shaken. Whole districts might be pointed out, and those of no inconsiderable extent, in which it would be greatly profitable to the land-owners to lay down entire farms to pasture *for a short and definite time*, in order to perpetuate an agistment instead of a corn-tithe: and in districts where no such entire change took place, alterations of a much less violent kind, of which it would be easy but tedious to give the details, practicable with the greatest ease, and with a very moderate sacrifice *if temporary*, would produce in five or seven years very serious alterations in the amount of the tithe to be permanently fixed on them. The consequences of a series of manœuvres of this description, agitating and changing the course of cultivation, and affecting the demand for labour, and much of the internal commerce of the country, would work evidently as a great public mischief, while the process was injurious, and in some cases ruinous, to the tithe-owner.

Such changes certainly will not take place, while the time during which they are to expose the cultivator to loss is indefinite, and he has no assurance of a subsequent permanent gain. So far the ordinary interests of the agriculturist are a protection to the tithe-owner; but they would be no protection from the instant it became known that the loss of abandoning the usual course was to endure but for a time, and that the ulterior gain was close at hand, and would be permanent. Nothing, in short, would make a voluntary measure, avowedly to be followed by a compulsory measure, safe, except an enactment that the calculations under the compulsory measure should be founded on the state of cultivation at the time the law passed, which authorised the voluntary commutation.

It would obviously be inconvenient, under such circumstances, to defer the compulsory measure to a very distant period; and the present Bill, in allowing twelve months to elapse before compulsion can be applied, does perhaps all that can safely be done when two such principles as the voluntary and the compulsory are to be combined, as all parties now avow they are to be combined, in some moderate period.

In conclusion, let me only simply repeat, that it is clear no equitable adjustment of the tithe question can ever take place, without some reference to the actual tithe of produce (the very thing to be commuted) as a guide—though not a despotic guide—to the establishment of future fixed payments;—that such a reference is made in the present Bill, in a manner to meet all reasonable objections, to at least as great an extent as could have been hoped for.

There exists, evidently, in the position of the question, and the circumstances of the country, a call on all parties, which it may be hoped will be listened to, not to dally with this subject,—not to dwell, with impracticable perverseness, on blemishes and

imperfections inseparable from measures which are to effect such extensive changes as the present is to effect,—not to endanger the completion of a great and acknowledged public good, by bringing opposite interests, and jealousies, and passions into fiercer and more obstinate collision, during a period of discussion and dispute unheedingly prolonged.

R. CLAY, PRINTER, BREAD-STREET-HILL.

UNIV. OF CALIF. LIBRARY, LOS ANGELES

5



56

3 1158 01016 7079

Anas *.....*

EDUCATIONAL FACILITY



AA 000 979 574 1

